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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/182,745	10/28/1998	CHRISTOPHER CLEMMETT MACLEOD BECK	P3316	2355

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EXAMINER

HUYNH, CONG LAC T

ART UNIT PAPER NUMBER

2176

DATE MAILED: 05/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application

09/182,745

Examiner

Cong-Lac Huynh

Applicant(s)

MACLEOD BECK ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

and rendering and the Interactive Multimedia Viewer because of the following reason.

The ability of performing accessing and rendering of Syeda implies that Syeda includes the code set in the program for said accessing and rendering functions. The *interactive dialogue* in the user interface in Syeda is *for interactive purpose, accessing and rendering multimedia data*. Since Syeda discloses the above features, it implies that Syeda program includes related software modules as well as associated codes to perform the functions.

Further, Syeda does not disclose the *editable layer which allows the programmer to program limitations limiting access* by the IMV to preselected media files, editing of the editable layer of at least one IMV and joining of selected and edited modules to form the IMV.

However, Syeda discloses limiting access to the preselected media data as mentioned above by eliminating the duplicate information. Since Syeda can limit access to preselected media files, which is the feature of the editable layer as claimed, Syeda suggests the editable layer of the invention.

Further, Syeda discloses *manipulating* in some manner the multimedia data in the database as a method step for assembling an interactive multimedia application (col 5, lines 20-40; insert, delete, update media data). Again, eliminating the duplicate implies deleting the duplicate information, where deleting is one type of editing. Syeda, therefore, suggests the edit feature and the editing step. The fact that the information rendered to users *after eliminating* the duplicate or after updating data implies that joining of selected and edited modules is performed.

Regarding claim 17, which is dependent on claim 16, as in claim 16, Syeda does not disclose one or more software interfaces to the first selectable software modules.

Instead Syeda discloses a user interface for database site selection (col 4, lines 19-30).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified Syeda to incorporate said software interfaces since the fact that Syeda provides an interactive dialogue, which is an interface, for selecting database, implies that the associated software and modules should be included.

Independent claim 1 is an object-oriented programming interface to perform the method of claim 16, and is rejected under the same rationale.

Claim 2, which is dependent on claim 1, is software module comprising one software interface to perform the method of claim 17, and is rejected under the same rationale.

Independent claim 6 is a programming application to perform the method disclosed in claim 16, and is rejected under the same rationale.

Claim 7, which is dependent on claim 6, is a programming application to perform the method of claim 17, and therefore is rejected under the same rationale.

6. Claims 3-5, 8-15, 18-20 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Syeda-Mahmood as applied to claim 16 above, and further in view of Goetz et al. (US Pat No. 5,956,729, 9/21/99).

Regarding claim 18, which is dependent on claim 16, Syeda does not disclose that the IMV is adapted to access and render multimedia code of only one type. Goetz discloses that an application may support several instances of a particular media type (col 3, lines 2-11).

Even though Goetz fails to mention of the code for accessing and rendering of multimedia files, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have included Goetz to Syeda. The fact that Goetz shows the supporting of several instances of a particular media type implies that Goetz includes that type of code to perform such function.

Regarding claim 19, which is dependent on claim 16, Syeda does not disclose that the IMV is adapted to access and render multimedia code of more than one type.

Goetz discloses that the invention includes a multimedia file for organizing at least one type of media on a computer-readable medium, such as a CD Rom, hard disk, or the like. The multimedia file is capable of storing and identifying multiple instances of at least one media type (col 3, lines 18-22).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have incorporated Goetz to Syeda since Goetz further provides the access

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and rendering a multimedia file of at least one type, which means one type or more than one type of media.

Regarding claim 20, which is dependent on claim 16, Syeda does not disclose that the multimedia files stored in the data repository represent multimedia transactions, and are characterized with tags *according to one or more of* date, time, participants, file type; company affiliation of participants, subject or issue, and relationship to other multimedia files.

Goetz discloses:

- multimedia files stored in the data repository represent multimedia transactions (col 11, lines 21-38)
- file type of a multimedia file (col 11, lines 26-38)

Goetz does not explicitly disclose the tags that characterize multimedia files as claimed. However, the MIME type in Goetz is used to *specify the type* of a multimedia file. This shows that the MIME extension included in the URL, as a tag, *characterizes the type* of the multimedia file.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have incorporated Goetz to Syeda to obtain details of multimedia files stored in the repository wherein the multimedia files include multimedia transactions, have tags for representation of information according one or more of date, time, participant, file type, etc, in addition to the feature of accessing, rendering, and editing multimedia files as mentioned above.

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Claims 3-5 are IMV software modules to perform the method of claims 18-20, and are rejected under the same rationale.

Claims 8-10 is a programming application to perform the method of claims 18-20, and are rejected under the same rationale.

Independent claim 11 is for a multimedia communication center which includes the limitations of claim 6, the storage system for recording multimedia file (rejected in claim 20), and the access interface (Syeda, col 4, lines 19-30), therefore is rejected under the same rationale applied to these claims.

Claim 12, which is dependent on claim 11, comprising software interfaces disclosed and rejected in claim 17 above, and is rejected under the same rationale.

Claims 13-15 is a multimedia communication center including the IMV disclosed in the method of claims 18-20, and therefore are rejected under the same rationale.

Response to Arguments

7. Applicant's arguments filed 3/21/02 have been fully considered but they are not persuasive.

Applicants argue that the rejections of the method claims can not apply for the apparatus claims.

Examiner disagrees.

Since the apparatus is provided means or unit to perform the steps disclosed in the method claims, the rejections applied for method claims can be applied for the apparatus claims.

In addition, as admitted by applicants, claim 1 is an apparatus claim, claim 16 is a method claim, and **claim 1 which recites substantially the limitations of claim 16** including the meaning and functions of those limitations, is patentable over the prior art **in view of the argument on behalf of claim 16** (remark, page 10, line 25 to page 11, line 1).

It is clear that applicants admitted the limitations of method claim 16 are substantially the same as the limitations of apparatus claim 1, and the argument for one claim can be applied for the other claim. Therefore, there is no reason that the rejections of method claim 16 can not be applied for apparatus claim 1.

Applicants argue that Syeda does not disclose the code set in the program of accessing and rendering media from multimedia files in a data repository, and the rejection is purely conjecture on the examiner's part.

Examiner disagrees.

Since Syeda discloses said accessing and rendering, and it was well known that any program has to be written by programming codes, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have incorporated the code set into Syeda.

Applicants argue that Syeda does not disclose a method for assembling, or building and interactive multimedia application, and therefore, the editing in Syeda comprising eliminating duplicates, clearly cannot read on the editing function as claimed in claim 16 (remark, page 9, line 20 to page 10, lines 1-2).

Examiner disagrees.

Syeda discloses integrating information from multimedia database sites in response to the queries via interactive dialogue between the web client and multimedia databases (col 3, line 61 to col 4, lines 1-30). Since Syeda discloses integrating multimedia via the user interaction with the server, Syeda does teach assembling interactive multimedia application.

Applicants argue that in response to the examiner's statement pertaining to applicant's step in claim 16 of joining the selected and edited modules to form the IMA, that the information rendered to users after eliminating duplicates or updating data in Syeda clearly does not imply the step as claimed.

Examiner disagrees.

The editing step as claimed is for programming limitations restricting access by the IMV to preselected multimedia files. Syeda discloses eliminating the duplicate multimedia files, therefore, Syeda discloses limitations restricting access to preselected multimedia files as claimed by eliminating one multimedia file and accessing only one multimedia file in case there are two duplicate files. The selected and edited file then is joined to form the IMA.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lewis (US Pat No. 5,835,126, 11/10/98, filed 3/15/96).

Beck et al. (US Pat No. 6,108,711, 8/22/00, filed 9/11/98).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cong-Lac Huynh whose telephone number is 703-305-0432. The examiner can normally be reached on Mon-Fri (8:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 703-308-5186. The fax phone


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numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 707-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9000.

clh

5/27/02


STEPHEN S. HONG
PRIMARY EXAMINER

DETAILED ACTION

1. This action is responsive to communications: request for reconsideration filed on 3/21/02 to the application filed on 10/28/98.
2. Claims 1-20 are pending in the case. Claims 1, 6, 11, 16 are independent claims.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103 (c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-2, 6-7, 16-17 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Syeda-Mahmood (US Pat No. 5,983,218, 11/9/99, referred as Syeda).

Regarding independent claim 16, Syeda discloses:

- accessing and rendering media from multimedia files in a data repository (the multimedia database is designed so that user can access the data by posing a query via *interactive dialogue between the web client and multimedia database* to retrieve the desired data (col 3, lines 61 to col 4, lines 1-30; col 1, lines 11-48; col 2, lines 13-23)
- limiting access to preselected media files (the search engine checks the consistency among the *retrieved* information to *eliminate duplicate information*, the duplicate information shows that the information is preselected and eliminating this information to limit access to the preselected files (col 6, lines 48-57; col 7, lines 60-67))

Syeda does not disclose the code set for accessing and rendering media code from multimedia files in a data repository as well as software modules providing functionality for an Interactive Multimedia Application (IMA) and the *Interactive Multimedia Viewer* (IMV). However, Syeda can perform accessing and rendering media from multimedia files stored in a data repository and provides the *interactive dialogue for accessing and rendering multimedia data* (col 4, lines 4-30).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified Syeda to include the code set to perform said accessing